

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

PETRA BUSCHMEIER,

Plaintiff

v.

G&G INVESTMENTS, INC.,

Defendant

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ORDER OF COURT

Presently pending before the Court is PLAINTIFF’S EMERGENCY MOTION TO PAY MONIES OUT OF COURT (*Document No. 123*) and the Defendant’s Response in opposition (*Document No. 124*). After careful consideration of the filings of the parties, the Court **DENIES WITHOUT PREJUDICE** the Motion to Pay Monies Out of Court for the following reasons:

(i) the emergency nature of this motion is of the Plaintiff’s own making insofar as she, by her own admission, received notice in June 2006 that Hillsboro Glass Company had failed to pay certain taxes on real estate assets in the State of Illinois, and that such real estate would be sold at a tax sale. Plaintiff apparently took no action until today, on the eve of the expiration of the redemption period to seek relief from the Court; and

(ii) Plaintiff has provided no factual information from which a determination could be made by the Court as to the value of the subject property and the economic advisability/justification of expending monetary assets of Hillsboro Glass Company (“Hillsboro”) to retain title to real estate which is or may be subject to outstanding or potential outstanding liabilities of Hillsboro, of which the Court is unaware;

(iii) the amount of Hillsboro funds in escrow is \$90,196.98 and sufficient justification to expend \$56,019.28 of that amount has not been established; and

(iv) if Plaintiff deems it advisable she may advance the amount necessary to satisfy the tax redemption payment and avoid the transfer of title from Hillsboro to a third party and thereby protect a potential asset for possible execution at a later date.

So **ORDERED** this 18th day of October, 2006.

BY THE COURT:

s/ Terrence F. McVerry
United States District Court Judge

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